

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

Call to Order: Chair Steve Gibson, on February 14, 2011 at 9:30 A.M., in Room 317A
Capitol

ROLL CALL

Members Present:

Rep. Steve Gibson, Chair (R)
Sen. Ryan Zinke, Vice Chair (R)
Rep. Randy Brodehl (R)
Sen. Steven Gallus (D)
Rep. Cynthia Hiner (D)
Sen. Edward Walker (R)

Members Excused: None

Members Absent: None

Staff Present: Stephanie Fletcher, Committee Secretary
Pat Gervais, Legislative Branch
Brent Doig, OBPP

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive action: Office of Public Defender
Montana Board of Crime Control
Corrections
Justice
Judicial Branch

00:02:30 Chairman Gibson

00:02:45 Pat Gervais

[EXHIBIT\(jch36a01\)](#)

EXECUTIVE ACTION:

Office of Public Defender

00:03:11 **Motion/Vote:** Sen. Zinke moved that **THE STATE SPECIAL REVENUE REDUCTION OF \$2,171 PER YEAR MADE IN ACCORDANCE WITH THE 5% REDUCTION PLAN BE RESTORED.** Motion carried unanimously by voice vote.

00:03:32 **Motion/Vote:** Sen. Zinke moved that **GENERAL FUND FOR THE OFFICE OF PUBLIC DEFENDER BE INCREASED BY \$300,000 PER YEAR AS A RESTRICTED, ONE TIME ONLY APPROPRIATION AND THAT THE FOLLOWING LANGUAGE BE INCLUDED IN HB 2: "FUNDING IN OFFICE OF PUBLIC DEFENDER - RESTRICTED MAY BE USED ONLY TO SUPPORT CONTRACTED SERVICES OR REPLACEMENT OF COMPUTERS, SERVERS, OR COPIERS."** Motion carried unanimously by voice vote.

Montana Board of Crime Control

00:04:04 **Motion/Vote:** Sen. Walker moved that **GENERAL FUND BE INCREASED BY \$4,209, STATE SPECIAL REVENUE BY \$12, AND FEDERAL FUNDS BY \$1,206 PER YEAR TO REFLECT THE ADDITION OF FUNDING FOR PARKING.** Motion carried unanimously by voice vote.

00:04:44 **Motion/Vote:** Sen. Walker moved that **FUNDING FOR DP 105 PROJECT SAFE NEIGHBORHOOD GRANT BE INCREASED BY \$58,500 FEDERAL FUNDS PER YEAR TO REFLECT THE ANTICIPATED LEVEL OF GRANT FUNDS AVAILABLE FOR EXPENDITURE DURING FY 2012 AND FY 2013.** Motion carried unanimously by voice vote.

00:05:05 **Motion/Vote:** Sen. Walker moved that **GENERAL FUND BE REDUCED BY \$11,749 PER YEAR TO REFLECT A 40% REDUCTION IN GENERAL FUND SUPPORT FOR OUT OF STATE TRAVEL.** Motion carried unanimously by voice vote.

Corrections

00:05:40 **Motion/Vote:** Sen. Zinke moved that **THE ADOPTION OF:**
DP 201 ANNUALIZE TREATMENT BEDS
DP 202 ANNUALIZE PRERELEASE BEDS
DP 204 ANNUALIZE MASC BEDS
DP 315 ANNUALIZE BEDS FOR CONTRACT BEDS
Motion carried unanimously by voice vote.

- 00:06:12 **Motion/Vote:** Sen. Zinke moved **DP 316 POPULATION GROWTH AS A RESTRICTED, ONE TIME ONLY APPROPRIATION INCLUDING GENERAL FUND OF \$0 IN FY 2012 AND \$2,979,130 IN FY 2013 TO SUPPORT AN ESTIMATED 20 SECURE ASSISTED LIVING BEDS AND 100 SECURE CONTRACT BEDS AND THAT THE FOLLOWING LANGUAGE BE INCLUDED IN HB 2: "FUNDING IN SECURE POPULATION GROWTH MAY BE USED ONLY TO SUPPORT SECURE ASSISTED LIVING BEDS AND SECURE CONTRACT BEDS."** Motion carried unanimously by voice vote.
- 00:06:54 **Substitute Motion/Vote:** Rep. Hiner made a substitute motion **WITHOUT THE ONE TIME ONLY DESIGNATION.** Substitute Motion carried unanimously by voice vote.
- 00:07:42 **Motion/Vote:** Rep. Brodehl moved that **GENERAL FUND SUPPORT FOR YOUTH SERVICES DIVISION BE INCREASED BY \$50,000 PER YEAR AND STATE SPECIAL REVENUE FROM PINE HILLS INTEREST AND INCOME BE REDUCED BY A LIKE AMOUNT.** Motion carried unanimously by voice vote.
- 00:08:06 **Motion/Vote:** Rep. Hiner moved that **FUNDING FOR PROBATION AND PAROLE OFFICE RENT FROM PROBATION AND PAROLE SUPERVISION FEES BE REDUCED BY \$200,000 PER YEAR AND THAT FUNDING FROM RESTITUTION ADMINISTRATION FEES FOR PROBATION AND PAROLE OFFICE RENT BE INCREASED BY A LIKE AMOUNT.** Motion carried unanimously by voice vote.
- 00:08:35 **Motion/Vote:** Rep. Hiner moved that **GENERAL FUND SUPPORT FOR THE ADMINISTRATIVE AND FINANCIAL DIVISION BE REDUCED BY \$125,000 PER YEAR AND STATE SPECIAL REVENUE FROM RESTITUTION ADMINISTRATIVE FEES BE INCREASED BY A LIKE AMOUNT.** Motion carried unanimously by voice vote.
- 00:09:05 **Motion/Vote:** Rep. Brodehl moved that **THE GENERAL FUND SUPPORT FOR ADULT PROBATION AND PAROLE BE REDUCED BY \$20,000 PER YEAR AND STATE SPECIAL REVENUE FROM SUPERVISION FEES BE INCREASED BY A LIKE AMOUNT.** Motion carried unanimously by voice vote.
- 00:09:18 **Motion/Vote:** Sen. Walker moved that **\$607,800 PER YEAR OF GENERAL FUND APPROPRIATED FOR YOUTH SERVICES DIVISION JUVENILE REENTRY SERVICES BE RESTRICTED AND THAT LANGUAGE BE INCLUDED IN HB 2 THAT "FUNDING IN JUVENILE RE-ENTRY SERVICES MAY BE USED ONLY TO SUPPORT MENTOR GRANTS, GUIDE HOMES, PARISH NURSES, AND TWO AFTER CARE COORDINATORS."** Motion carried unanimously by voice vote.
- 00:09:57 **Motion/Vote:** Sen. Zinke moved that **GENERAL FUND SUPPORT FOR CONTRACTED PRISON BEDS BE INCREASED BY \$200,750 GENERAL FUND PER YEAR AND THAT THE FOLLOWING LANGUAGE BE INCLUDED IN HB 2: "SECURE CARE INCLUDES \$200,750 GENERAL FUND MONEY**

EACH YEAR THAT MAY BE USED ONLY TO SUPPORT AN INCREASE IN RATES FOR PRIVATELY OWNED SECURE PRISON FACILITY BEDS LOCATED WITHIN THE MONTANA."

Motion carried unanimously by voice vote.

Justice

00:10:49 **Motion/Vote:** Rep. Brodehl moved **APPROVAL OF AGENCY LEGAL SERVICES RATES OF \$88.00 PER HOUR FOR ATTORNEYS AND \$49.00 PER HOUR FOR INVESTIGATORS.** Motion carried unanimously by voice vote.

00:11:04 **Motion/Vote:** Rep. Brodehl moved **APPROVAL OF:**
DP 701 IT WEB ENTRY SYSTEM ENHANCEMENTS AS A ONE TIME ONLY BIENNIAL APPROPRIATION
DP 702 GCD BASE ADJUSTMENTS
DP 1304 MHP BASE ADJUSTMENTS WITH FUNDING OF \$300,000 PER YEAR IN STATE SPECIAL REVENUE
DP 1206 MVD BASE ADJUSTMENTS - REVISED REQUEST DATED 1/28/11

Motion carried unanimously by voice vote.

00:11:36 **Motion/Vote:** Rep. Brodehl moved that **WE RECONSIDER OUR PREVIOUS ACTION ON DP 1203 IT VIVS ON LINE MOTOR VEHICLE LIABILITY INSURANCE.** Motion carried 4-2 by voice vote with Sen. Gallus and Sen. Zinke voting no.

00:12:06 **Motion/Vote:** Rep. Brodehl moved **DP 1203 IT VIVS ON LINE MOTOR VEHICLE LIABILITY INSURANCE AS REQUESTED IN THE EXECUTIVE BUDGET (\$486,170 STATE SPECIAL REVENUE PER YEAR).** Motion carried 4-2 by roll call vote with Sen. Gallus and Sen. Zinke voting no.

00:12:54 **Motion/Vote:** Rep. Brodehl moved that **\$100,000 GENERAL FUND IN FY 2013 BE PROVIDED TO THE DIVISION OF CRIMINAL INVESTIGATION AS A RESTRICTED APPROPRIATION AND THAT THE FOLLOWING LANGUAGE BE INCLUDED IN HB 2: "FUNDING IN DCI LEGAL ASSISTANCE MAY BE USED ONLY FOR CONTRACTED LEGAL SERVICES IN SUPPORT OF THE CHILD SEXUAL PREDATOR UNIT AND PRESCRIPTION DRUG DIVERSION ENFORCEMENT UNIT."** Motion carried unanimously by voice vote.

00:13:22 Pat Gervais
00:14:22 Chairman Gibson
00:14:40 Rep. Brodehl

00:30:34 Chairman Gibson

- 00:30:49 **Motion/Vote:** Rep. Brodehl moved that **THE PORTION OF FUNDING FOR THE MOTOR VEHICLE DIVISION CURRENTLY HB 2 SUPPORTED BY THE GENERAL FUND BE SHIFTED FROM THE GENERAL FUND TO THE HIGHWAY STATE SPECIAL REVENUE RESTRICTED ACCOUNT AND THAT APPROPRIATE LANGUAGE BE INCLUDED IN HB OR LEGISLATION TO IMPLEMENT THE APPROPRIATIONS ACT CLARIFYING THAT THE BASE BUDGET IS NOT ONE TIME ONLY BUT THE FUNDING SHIFT IS ONE TIME ONLY. STAFF IS DIRECTED TO CALCULATE THE AMOUNT BASED UPON SUBCOMMITTEE ACTIONS ON THE MOTOR VEHICLE DIVISION BUDGET.** Motion failed 3-3 by roll call vote with Rep. Brodehl, Rep. Gibson and Rep. Hiner voting aye.
- 00:31:59 **Motion/Vote:** Rep. Brodehl moved that **FUNDING FOR THE FORENSIC SCIENCE DIVISION SUPPORTING BREATHALYZER/INTOXALYZERS BE SHIFTED FROM ALCOHOL TAX FUNDS TO THE HIGHWAY STATE SPECIAL REVENUE NON RESTRICTED ACCOUNT.** Motion carried unanimously by voice vote.
- 00:32:33 **Motion/Vote:** Sen. Gallus moved that **GENERAL FUND FOR THE MONTANA LAW ENFORCEMENT ACADEMY BE INCREASED BY \$50,934 PER YEAR TO REFLECT THE MOVEMENT OF A POSITION PREVIOUSLY FUNDED IN THE DEPARTMENT OF CORRECTIONS TO THE DEPARTMENT OF JUSTICE.** Motion carried unanimously by voice vote.

Judicial Branch

- 00:33:02 **Motion/Vote:** Sen. Gallus moved that **THE APPROVAL OF DP 5002 WATER COURT ADDITIONAL FTE INCLUDING 2.00 FTE AND \$90,250 IN FY 2012 AND \$90,036 IN FY 2013 STATE SPECIAL REVENUE.** Motion carried unanimously by voice vote.
- 00:33:36 **Motion/Vote:** Rep. Brodehl moved **THE APPROVAL \$200,000 GENERAL FUND PER YEAR AS A RESTRICTED, BIENNIAL, ONE TIME ONLY APPROPRIATION FOR DP 1001 COURT HELP PROGRAM.** Motion carried unanimously by voice vote.
- 00:33:58 **Motion/Vote:** Rep. Hiner moved that **THE GENERAL FUND REDUCTION OF \$22,420 PER YEAR APPLIED TO THE OFFICE OF CLERK OF THE SUPREME COURT IN ACCORDANCE WITH THE 5% REDUCTION PLAN BE RESTORED.** Motion carried unanimously by voice vote.

Interim Monitoring

- 00:34:22 **Motion/Vote:** Rep. Brodehl moved that **THE APPROPRIATION SUBCOMMITTEE ON THE JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE RECOMMEND THAT THE LEGISLATIVE FINANCE COMMITTEE MONITOR THE FOLLOWING ITEMS DURING THE NEXT INTERIM:**
OFFICE OF PUBLIC DEFENDER

**DEPARTMENT OF JUSTICE - VEHICLE INSURANCE VERIFICATION
SYSTEM**

DEPARTMENT OF JUSTICE - MOTOR VEHICLE DIVISION

JUDICIAL BRANCH - WATER COURT

JUDICIAL BRANCH - COURT HELP PROGRAM

DEPARTMENT OF CORRECTIONS - AVERAGE DAILY POPULATION

**DEPARTMENT OF CORRECTIONS - SECURE ASSISTED LIVING
BEDS**

Motion carried unanimously by voice vote.

00:35:10 Chairman Gibson
00:35:42 Sen. Gallus
00:35:42 Chairman Gibson
00:36:31 Sen. Gallus
00:36:57 Pat Gervais
00:37:46 Chairman Gibson

Due to technical errors following a power outage, the full audio file that corresponds to these minutes was not recovered. The meeting continued after the power outage. You will note that the time stamps restart at zero at the point audio was restored.

00:00:11 **Motion/Vote:** Sen. Gallus moved **DP 1803 DCI BASE ADJUSTMENTS**. Motion carried unanimously by voice vote.

00:01:02 Rep. Hiner
00:01:06 Chairman Gibson

00:01:14 **Motion:** Sen. Gallus moved **APPROVAL OF A GENERAL FUND APPROPRIATION FOR DEPARTMENT OF CORRECTIONS FOR A PROVIDER RATE INCREASE OF 1% IN FY 2012 AND AN ADDITIONAL 1% IN FY 2013 BE PROVIDED TO PRERELEASE AND TREATMENT BEDS**.

00:02:06 Pat Gervais, requested clarification that prerelease beds and treatment beds in adult community corrections were included in the motion.

00:02:32 Sen. Gallus
00:02:46 Chairman Gibson

00:03:16 **Vote:** Motion failed 2-4 by roll call vote with Sen. Gallus and Rep. Hiner voting aye.

00:04:21 **Motion/Vote:** Rep. Gibson moved that **SUBCOMMITTEE ACTION ON AGENCIES INCLUDED IN SECTION D OF THE APPROPRIATIONS ACT BE CLOSED**. Motion carried unanimously by voice vote.

00:04:49 Chairman Gibson
00:05:41 Sen. Zinke

ADJOURNMENT

Adjournment:

00:06:05 Chairman Gibson

Stephanie Fletcher, Secretary

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Additional Documents:

EXHIBIT([jch36aad.pdf](#))